

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

STATE FARM FIRE AND CASUALTY
COMPANY and STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY

PLAINTIFFS

VS.

CIVIL ACTION NO. 2:07-cv-188 (DCB) (MTP)

JIM HOOD, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL
OF THE STATE OF MISSISSIPPI

DEFENDANT

ORDER

This cause is before the Court sua sponte to address the issues of abstention and subject matter jurisdiction. As raised in the defendant's motion to dismiss, the Supreme Court has held that in the interest of comity and federalism, federal courts may not enjoin pending state court criminal proceedings except under exceedingly rare and extraordinary circumstances. Younger v. Harris, 401 U.S. 37, 41 (1971). Furthermore, even if the Court is not required to abstain, subject matter jurisdiction remains a prerequisite to the issuance of an injunction. Accordingly,

IT IS HEREBY ORDERED that the parties be prepared to address the abstention and subject matter jurisdiction issues at the hearing set for November 1, 2007.

SO ORDERED, this the 29th day of October, 2007.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE